IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1460 OF 1989

Messrs. Metal Marketing Company ...Plaintiffs

Versus

AssamPharma Company &Ors. ...Defendants

Ms. Kusum Kanaujia i/b. Matubhai Jamietram for the Plaintiffs.

None for the Defendants.

CORAM: S.K.SHAH,J.

DATE : 21st June,2006.

P.C.

1. The suit is undefended against all the defendants. The suit is for recovery of the amount of Rs.3 lakhs which was made by the plaintiffs to the defendant No.1 with interest at the rate of 12% per annum. The suit is also filed against the defendant no.2 who had created mortgage in favour of the plaintiffs by way of security for the payment of money bythe defendant No.1. There is no claim against the defendant no.2. The plaintiffs have filed the documents in support of the claim, i.e. the Certificate of registration of the Plaintiff Firm dated 10th August, 1987, the Demand Promissory Note executed by the defendant No.2 on behalf of the

defendant No.1 on 7th July, 1970 whereby the defendant No.2 promised to pay to the plaintiffs on demand Rs.3 lakhs with interest at 12% per annum for value received in cash. The plaintiffs have also produced the title deeds of the property dated 9th July, 1980 belonging to the defendant No.2.

2. The plaintiffs made a demand of Rs.3 lakh with interest at 12% per annum by notice dated 9th March, 1989. The defendants Nos. 1 and 2 however failed to pay the amount. Therefore, the suit is filed. From the aforesaid documents and affidait of evidence filed in support of the claim, the plaintiffs have proved the claim.

3. The Suit is, therefore, decreed in terms of prayer clauses (a), (b) and (c) of the Plaint. The date of redemption shall be three months.

4. The original documents be returned to the plaintiffs on production of xerox copies.

Decree be drawn accordingly.

(S.K.SHAH,J.)